

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

CLEARBROOK, an Illinois corporation,)	
Plaintiff,)	
v.)	06 CH 5307
GREYSTONE & CO., INC.,)	
and JOHN DOES 1-10,)	
Defendants.)	

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

TO: *All persons who on or after March 16, 2001, were sent unsolicited advertising faxes by Greystone or its employees or agents.*

PLEASE READ THIS NOTICE CAREFULLY. THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU. IT IS A NOTICE OF A SETTLEMENT BEING SENT TO YOU BY COURT ORDER. YOU MAY BENEFIT FROM READING THIS NOTICE.

IF YOU WISH TO RECEIVE A PORTION OF THE CLASS SETTLEMENT PROCEEDS, YOU MUST RETURN THE FORM AT THE END OF THIS NOTICE BY JANUARY 12, 2007.

WHAT THIS LAWSUIT IS ABOUT: Plaintiff filed this action in the Circuit Court of Cook County, Illinois. On behalf of a putative class, plaintiff alleged that the defendant violated the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”), and state law by sending unsolicited facsimile advertisements. Defendant denies plaintiff’s allegations, and has raised defenses to plaintiff’s claims.

Judge Donnersberger granted preliminary approval of the settlement, subject to a fairness hearing which will take place on February 15, 2007 at 10:30 a.m., in Room 2308 of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602.

The Court ordered that you be sent this notice because you are a member of the class as defined above. This notice explains the lawsuit and the terms of the settlement and informs you of your legal rights and obligations.

IN ORDER TO OBTAIN MONETARY BENEFITS OF THIS SETTLEMENT, YOU MUST FILL OUT AND RETURN THE PROOF OF CLAIM FORM AT THE END OF THIS NOTICE BY JANUARY 12, 2007.

NO ADMISSION OF LIABILITY: By settling this lawsuit, Defendant is not admitting that it has done anything wrong. Defendant expressly denies that it has done anything wrong.

THE PROPOSED SETTLEMENT: Plaintiff and defendant have agreed to the settlement described below. **IF YOU WISH TO RECEIVE A PORTION OF THE SETTLEMENT PROCEEDS, YOU MUST RETURN THE PROOF OF CLAIM FORM AT THE END OF THIS NOTICE BY JANUARY 12, 2007.** If you do not wish to be bound by the settlement, you must opt-out. If you return your form and the settlement is finally approved, you will be sent a check for your portion of the settlement.

Recovery to Class Members. Defendant agrees to pay into a Settlement Fund the total sum of \$35,000 (the “Settlement Fund”). Prior to distribution of the Settlement Fund to the class, an incentive award of \$2,000.00 to the named plaintiff, the costs of notice and class administration and attorney’s fees to Class Counsel in the amount discussed below, will also be paid from the Settlement Fund. After deduction of the items described above, each class member who: (i) does not opt-out; and (ii) **RETURNS A COMPLETED AND SIGNED PROOF OF CLAIM FORM AT THE END OF THIS NOTICE INDICATING THAT THEY WANT TO PARTICIPATE IN THE MONETARY BENEFITS OF THE SETTLEMENT BEFORE JANUARY 12, 2007** will receive a pro-rata share of the funds remaining in the

Settlement Fund after the aforementioned deductions based upon the number of valid claims submitted by class members. No class member will receive more than one payment, which will not exceed \$500.00, regardless of the number of faxes received. In the event funds remain in the Settlement Fund after payment of all valid claims, the remainder shall be donated to a charitable organization.

Attorney's Fees. Plaintiff's counsel will request approval of the Court for attorneys' fees and costs of \$8,750.00 (25%). Defendant will not oppose or cause to be opposed an application by plaintiff's counsel for attorneys' fees and costs of \$8,750.00. Plaintiff's counsel will not request additional fees and costs from defendants or the class.

Release. Unless you exclude yourself from the settlement, you will be part of the class. By staying in the class, all of the Court's orders will apply to you and you give the Defendant a "release." A release means you cannot sue or ever be part of any other lawsuit against Greystone & Co., Inc., related to the claims or issues in this lawsuit.

CLASS COUNSEL'S OPINION OF THE VALUE OF THE SETTLEMENT: In an individual action, a prevailing plaintiff may be able to recover \$500 in statutory damages under the TCPA (\$1500 if a willful violation is shown). Of course if an individual does not prevail, he will receive no payment. There have also been questions raised as to the constitutionality of the TCPA and concerning whether certain states recognize private causes of action under the TCPA.

Each of the approximately 80 class members is eligible to receive a pro rata share, not to exceed \$500, of the Settlement Fund of \$35,000 less attorney's fees, payment to the plaintiff and costs approved by the Court. The maximum amount of an individual claim under the TCPA is \$500, unless a court finds that a Defendant willfully or knowingly committed the violation, in which case the court may, in its discretion, increase the amount of the award to not more than \$1500. If litigated through to trial, this action would be expensive, would raise numerous complex issues, would likely be the subject of various appeals and would leave many uncertainties. For these reasons, Class Counsel believes that the settlement is fair and reasonable and that the class members should accept this settlement.

CORRECT NAME: If any of the persons to whom this notice is sent have died or are divorced or changed their name, you should send a letter to Class Counsel explaining who you are and why the claim belongs to you and include any supporting documentation.

FAIRNESS HEARING: A hearing will be held on the fairness of the proposed settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement, including the amount of the award to plaintiff's counsel of costs and attorney's fees. The hearing will take place on **February 15, 2007, at 10:30 a.m., before Judge Donnersberger in Room 2308 of the Richard J. Daley Center, 50 W. Washington, Chicago, Illinois, 60602. YOU ARE NOT OBLIGATED TO ATTEND THIS HEARING.**

YOUR OPTIONS

1. **If you wish to receive a portion of the settlement proceeds, you must complete and return the proof of claim form at the end of this notice indicating that you wish to participate in the settlement. The proof of claim form must be post-marked or received at Edelman, Combs, Lattturner & Goodwin, LLC., 120 S. LaSalle St. 18th Floor, Chicago, IL 60603 on or before January 12, 2007.** You will be represented by the attorneys for plaintiff without additional charge. Or, if you prefer, you may enter your own appearance or ask the Court to allow you to participate in the settlement through your own attorney. If you wish to participate on your own or through your own attorney, an appearance must be filed with the Court by January 12, 2007. If you participate through your own attorney, it will be at your expense. Any party who returns a claim form or otherwise does not exclude his or herself from the settlement, as described below, will be bound by the settlement agreement and release of claims against the defendants, as approved by the Court.

2. **You have the right to exclude yourself from both the class action and the settlement** by filing a written request for exclusion with the Clerk of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. **The request for exclusion must be received by the Clerk of the Court on or before January 12, 2007,** and must list your name, address, and the name and number of the case. You must also serve copies of the request for exclusion on each of the attorneys for the plaintiff and for the defendant, at the following addresses by the same date.

Daniel A. Edelman
Julie Clark
Edelman, Combs, Lattturner & Goodwin, LLC
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603
(Attorney for Plaintiff)

Bart T. Murphy
Wildman, Harrold, Allen & Dixon
2300 Cabott Dr.
Suite 455
Lisle, IL 60532
(Attorney for Defendant)

3. **If you object to the settlement, and wish to submit an objection rather than simply exclude yourself from the class action**, you must submit your objection in writing to the Clerk of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. **The objection must be received by the Clerk of the Court on or before January 12, 2007**, and must refer to the name and number of the case. You must also serve copies of your objection on each of the attorneys for the plaintiffs and for the defendants listed above by the same date. Any objection must include your name and address, the name and number of the case, and a statement of the reasons why you believe that the Court should find that the proposed settlement is not in the best interests of the class. Please note that it is not sufficient to simply state that you object. You must state reasons why the settlement should not be approved. **IMPORTANT: THE COURT REQUIRES THAT ANY REQUESTS FOR EXCLUSION OR OBJECTIONS BE RECEIVED BY THE CLERK BY JANUARY 12, 2007. IF YOU MAIL A REQUEST FOR EXCLUSION OR OBJECTION, YOU BEAR THE RISK OF THE REQUEST FOR EXCLUSION OR OBJECTION NOT BEING RECEIVED BY THE CLERK BY THE DEADLINE.**

If you choose to exclude yourself from the class action and settlement you will not receive payment under this agreement. **If you remain in the class action but do not return a proof of claim form by January 12, 2007, you will be bound by the settlement agreement and release but will not receive payment under this agreement. Only those class members who complete and return a valid proof of claim form post-marked on or before January 12, 2007, will receive payment under this agreement.**

If the settlement is not approved, the case will proceed as if no settlement had been attempted. There can be no assurance that if the settlement is not approved, the class will recover more than is provided in the settlement, or indeed, anything.

This description of the case is general and does not cover all of the issues and proceedings thus far. In order to see the complete file, including a copy of the settlement agreement, you should visit the office of the Clerk of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. The Clerk will make the files relating to this lawsuit available to you for inspection and copying at your own expense.

INQUIRIES: Any questions you or your attorney has concerning this notice should be directed to **Edelman, Combs, Lattuner & Goodwin, LLC** at the address listed above. **Please include the case name and number, your name and your current return address on any letters, not just the envelopes.** Please do not contact the Court Clerk or the defendants' attorneys; they are not in a position to give you any advice about this settlement.